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PTO/SB/21 (09-04)
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/716,634-Conf. #006332
	Filing Date	November 20, 2003
	First Named Inventor	Jun SOMEYA
	Art Unit	2629
	Examiner Name	X. Wu
Total Number of Pages in This Submission	Attorney Docket Number	1190-0584P

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	BIRCH, STEWART, KOLASCH & BIRCH, LLP		
Signature			
Printed name	Michael R. Cammarata		
Date	April 25, 2006	Reg. No.	39,491



MS PETITION
Docket No.: 1190-0584P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jun SOMEYA et al.

Application No.: 10/716,634

Confirmation No.: 006332

Filed: November 20, 2003

Art Unit: N/A

For: IMAGE PROCESSING METHOD AND
APPARATUS, AND IMAGE DISPLAY
METHOD APPARATUS FOR CHANGING
EDGE SHARPNESS

Examiner: Not Yet Assigned

**PETITION TO WITHDRAW ABANDONMENT AND
OPTIONAL PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(B)**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I. Petition To Withdraw Abandonment (Act On This First)

In response to the Notice of Abandonment mailed April 6, 2006, which issued in connection with the above-identified application, this is a Petition to withdraw the "abandonment status" of the present application. The Issue Fee was timely paid on August 2, 2005.

A. EVIDENCE

As evidence of the fact that a Reply was timely filed, enclosed herewith are the following:

- a copy of the Issue Fee Transmittal dated August 2, 2005;
- a copy of the postcard receipt which was date-stamped on August 2, 2005; and
- printout from PAIR indicating that the Issue Fee payment was received on August 2, 2005.

B. Factual Background

A first Notice of Allowance including PTOL-85 was mailed May 3, 2005.

The Issue Fee was paid by the due date on August 2, 2005. Please see the attachment referenced above in the Evidence Section 1.

Thereafter, Examiner Xiao Wu initiated a telephonic interview on August 29, 2005 and obtained approval for an Examiner's Amendment because two claims, both numbered 31, were present in the amendment filed December 16, 2005.

Thereafter, the Examiner mailed both a Supplemental Notice of Allowability and a Corrected Notice of Allowance including a second PTOL-85. These documents were mailed September 1, 2005.

Subsequently, a Notice of Abandonment was mailed April 6, 2006.

C. Reasons Why Abandonment Should Never Have Occurred

First of all, the mailing of the second PTOL-85 (Corrected Notice of Allowance and Fees Due) was issued in error. The correction to the claim discussed above in item 2.A. merely required a Supplemental Notice of Allowability. The generation of the Corrected Notice of Allowance in addition thereto was unnecessary, and, based on Applicants' belief, inconsistent with typical USPTO practice.

The Corrected Notice of Allowance was spurious and not consistent with standard USPTO policy for the following reasons. First of all, a Corrected Notice of Allowance and Fees Due (PTOL-85) is proper when there is an increase in the Issue Fee between the time of the first issuance of the Notice of Allowance and the payment of the Issue Fee. This is not the case here. The second case in which a second Notice of Allowance is appropriate is a case such as an IDS filing after the Issue Fee is paid wherein the application is withdrawn from issue so that the IDS may be considered in an RCE. In such a case, the Issue Fees have already been paid in the parent application such that a Notice of Allowance with \$0.00 fees due is expected and appropriate.

The present case fits neither of these situations. It is Applicants belief that the Corrected Notice of Allowance and Fees Due with second PTOL-85 should never have been issued since it is not appropriate and against standard Office Procedure. Indeed, the Issue Fee had already been paid. Why would the PTO issue a second PTOL-85 (Corrected Notice of Allowance and Issue Fee Due) when the Issue Fee has already been paid and all other procedural matters have been resolved as in this case?

As stated above, no fees were actually due and the sending of this form appears to be outside standard USPTO procedures. The Issue Fee was paid by the due date. All requirements were complied with except for the filing of a spurious form that should never have been sent to begin with. Therefore, Applicants respectfully request withdrawal of the holding of abandonment.

It is submitted that no fees are required for filing this Petition, since the error occurred because of a mistake on the part of the U.S. Patent & Trademark Office.

D. TERMINAL DISCLAIMER

☒ The present application was filed on or after May 29, 2000. Accordingly, no Terminal Disclaimer is necessary. It is noted that the present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no reduction in patent term adjustment should be made, in accordance with the provisions of 37 C.F.R. § 1.704(c)(4).

II. Optional Petition to Revive

Solely in the interest of time and without admitting the propriety or correctness of the abandonment, Applicants are also concurrently filing herewith a Petition to Revive an application abandoned unintentionally under 37 CFR 1.137(b). Again, this Petition to Revive should not be considered an admission that the abandonment was valid. Nevertheless, petitions take an unacceptably long period of time to decide. Applicants' patent rights are being suspended until such time as the petition can be decided. Thus, as a protective measure, Applicants are additionally filing the Petition to Revive concurrently herewith. It is to be understood that this Petition to Revive should only be considered if and only if the Petition to Withdraw Holding of Abandonment has been fully considered and rejected by the Petitions Branch. Only in that case are Applicants desiring consideration of the Petition to Revive.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

A. Petition fee

☒ Other than small entity – fee \$1,500.00 By Deposit Account 02-2448 (charge only authorized if Petition to Withdraw is rejected) (37 CFR 1.17(m))

B. Reply and/or fee

☒ The Issue Fee was paid on August 2, 2005

C. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

D. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

[NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

It is requested that the abandonment status of the present application be immediately removed so the patent will grant on this allowed application.

III. Conclusion

If the U.S. Patent Examiner has any questions regarding the above matters, please contact Applicants' representative, Michael R. Cammarata, at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: April 25, 2006

Respectfully submitted,

By 

Michael R. Cammarata

Registration No.: 39,491

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachments:

Copy of Issue Fee Transmittal

Copy of Postcard Receipt

Copy of PAIR Printout

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: MailMail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

02292

7590

05/03/2005

BIRCH STEWART KOLASCH & BIRCH, LLP
PO BOX 747
FALLS CHURCH, VA 22040-0747

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,634	11/20/2003	Jun Someya	1190-0584P	6332

TITLE OF INVENTION: IMAGE PROCESSING METHOD AND APPARATUS, AND IMAGE DISPLAY METHOD AND APPARATUS, WITH VARIABLE INTERPOLATION SPACING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	08/03/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
WU, XIAO MIN	2674	345-698000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Birch, Stewart,
Kolaseh & Birch, LLP

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

MITSUBISHI DENKI KABUSHIKI KAISHA

TOKYO, JAPAN

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☒ Advance Order - # of Copies Four (4)

4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached. (if necessary)
- ☒ The Director(s) hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 02-2448 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date August 2, 2005

Typed or printed name

Michael R. Cammarata

Registration No.

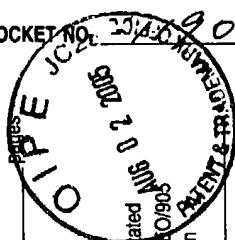
39,491

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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DOCKET NO. 90-0584P



Papers Filed herewith on: 8/2/05
DOCKET NO.: 190-1584P ATTY.: MRC
APPLICANT(S): Somaya et al
APPLN. NO.: 10/716,624 FILED: 11/20/03
PAT NO.:

- ☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.114(RCE)
☐ Specification Consisting of:
☐ Combined Declaration & Power of Attorney
☐ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings ☐ Sheets ☐ Formal ☐ Annotated
☐ Completion of Filing Requirements, PCT/DO/NO/905
or Formalities Letter and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc.
☐ Amendment:
☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity
☐ Response
☐ Information Disc'd Stmt. PTO-1449(s) ☐ doc(s)
☐ PTO / ISA / 210
☐ Notice of Appeal ☐ Appeal Brief
☒ Issue Fee Transmittal ☐ Sequence Listing
FEES: CK # 9039793 - \$ 1,712.00
☐ Letter:
☐ Other:

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: 8/3/05
Handcarry:



United States Patent and Trademark Office

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PATENT APPLICATION INFORMATION RETRIEVAL



Search results as of: 4-14-2006::17:33:18 E.T.

Search results for application number: 10/716,634			
Application Number:	10/716,634	Customer Number:	-
Filing or 371(c) Date:	11-20-2003	Status:	Abandoned -- Failure to Pay Issue Fee
Application Type:	Utility	Status Date:	04-06-2006
Examiner Name:	WU, XIAO MIN	Location:	ELECTRONIC
Group Art Unit:	2629	Location Date:	-
Confirmation Number:	6332	Earliest Publication No:	US 2004-0135798 A1
Attorney Docket Number:	1190-0584P	Earliest Publication Date:	07-15-2004
Class/ Sub-Class:	345/698	Patent Number:	-
First Named Inventor:	Jun Someya, Tokyo, (JP)	Issue Date of Patent:	-
Title Of Invention:	IMAGE PROCESSING METHOD AND APPARATUS, AND IMAGE DISPLAY METHOD AND APPARATUS, WITH VARIABLE INTERPOLATION SPACING		

Search Options

Continuity Data
Foreign Priority
Image File Wrapper
Patent Term Adjustment History

File History	
Date	Contents Description
04-06-2006	Mail Abandonment for Failure to Pay Issue Fee
04-06-2006	Abandonment for Failure to Pay Issue Fee
03-21-2006	Case Docketed to Examiner in GAU
01-16-2006	Receipt into Pubs
11-29-2005	Workflow - Query Request - Finish
09-01-2005	Mail Corrected Notice of Allowance
09-01-2005	Mail Examiner's Amendment
09-01-2005	Corrected Notice of Allowance
09-01-2005	Examiner's Amendment Communication
08-29-2005	Examiner Interview Summary Record (PTOL - 413)

08-09-2005	Workflow - Query Request - Begin
08-02-2005	Issue Fee Payment Received
06-03-2005	Workflow - File Sent to Contractor
05-03-2005	Mail Notice of Allowance
05-03-2005	Mail Examiner's Amendment
04-29-2005	Notice of Allowance Data Verification Completed
04-29-2005	Case Docketed to Examiner in GAU
04-29-2005	Examiner's Amendment Communication
03-30-2005	Examiner Interview Summary Record (PTOL - 413)
03-30-2005	Information Disclosure Statement (IDS) Filed
12-16-2004	Information Disclosure Statement (IDS) Filed
03-24-2005	Date Forwarded to Examiner
12-16-2004	Response after Non-Final Action
12-16-2004	Workflow incoming amendment IFW
10-27-2004	Mail Examiner Interview Summary (PTOL - 413)
10-25-2004	Examiner Interview Summary Record (PTOL - 413)
09-17-2004	Mail Non-Final Rejection
09-17-2004	Non-Final Rejection
06-02-2004	IFW TSS Processing by Tech Center Complete
06-02-2004	Case Docketed to Examiner in GAU
05-29-2004	Claims PTO
11-20-2003	Reference capture on IDS
11-20-2003	Information Disclosure Statement (IDS) Filed
04-08-2004	Application Return from OIPE
04-08-2004	Application Is Now Complete
03-30-2004	Additional Application Filing Fees
03-30-2004	Applicant has submitted new drawings to correct Corrected Papers problems
03-08-2004	Corrected Paper
01-07-2004	Pre-Exam Office Action Withdrawn
01-07-2004	Application Return TO OIPE
01-06-2004	Application Dispatched from OIPE
01-06-2004	Application Is Now Complete
12-31-2003	Cleared by OIPE CSR
12-25-2003	IFW Scan & PACR Auto Security Review
11-20-2003	Initial Exam Team nn